United States Court of Appeals FOR THE EIGHTH CIRCUIT

No. 97-3269	
Beck, formerly known as David Wayne Vanderbeck,	* *
,	*
Appellant,	*
	* Appeal from the United States
v.	* District Court for the
	* District of Minnesota.
Frank Woods; Dennis Benson; Davi	id *
Crist; Robert Reed; David Wilmus;	* [UNPUBLISHED]
Wendel Anderson; Linda Harder;	*
Jose Lopez; Mike Seath; Robert	*
Aufderhar; Dan Paskowitz; Kathy	*
Dodge; Winney Mackey; Dr. Ramo	s, *
	*
Appellees.	*
-	

Submitted: April 22, 1998 Filed: April 24, 1998

Before BOWMAN, WOLLMAN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Beck appeals the District Court's¹ order affirming the magistrate judge's² denial of pre-trial motions in his 42 U.S.C. § 1983 (1994) action. We dismiss for lack of jurisdiction.

Beck, a Minnesota inmate, sued several prison officials and employees, claiming deprivation of property, threats, retaliation, and deliberate indifference to medical needs. Beck filed a motion to strike one defendant's answer, a motion for writ of attachment, and a "Motion to Strike Defendant's Opposition/Pleading." The magistrate judge denied these motions, and the District Court subsequently affirmed. On appeal to this Court, Beck argues that his motions should have been granted.

As Beck is not appealing from a final decision of the District Court, and the order appealed from does not qualify as an appealable interlocutory order, we lack appellate jurisdiction. See 28 U.S.C. §§ 1291, 1292 (1994); Thomas v. Basham, 931 F.2d 521, 523 (8th Cir. 1991) (stating that, generally, appealable order is decision ending litigation on merits and leaving nothing for court to do but execute judgment); United States v. Brakke, 813 F.2d 912, 913 (8th Cir. 1987) (per curiam) (noting pretrial orders are not final decisions and are not reviewable). Accordingly, we dismiss. We also deny Beck's motion for appointment of counsel as moot.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota.

²The Honorable Arthur J. Boylan, United States Magistrate Judge for the District of Minnesota.